

**Regular Session Minutes – Bedford, MA Select Board Meeting
Hybrid Participation Meeting (Zoom and Select Board Meeting Room)**

<https://www.youtube.com/watch?v=roMyBS891X8>

July 24, 2023

PRESENT: Chair Bopha Malone, Clerk Shawn Hanegan, Margot Fleischman, Emily Mitchell, Paul Mortenson

ALSO PRESENT: Colleen Doyle, Kerri Rufo, Amy Fidalgo, Jeff King, Town Manager's Office; Rob Scaltreto, Facilities Department; Brian Devellis; Jacinda Barbehenn, Planning Board; Dan Bostwick, Energy and Sustainability Committee; Karen Willson, Corrine Doud, Rebecca Pomerantz, Sue Swanson, Renu Bostwick, Jane Mosier, Mothers Out Front; Christina Wilgren, Bedford Housing Partnership; Tom Barnett; Attorney Pam Brown; Alan Oslan; Joanne Bissetta; Paul Schuman; Rachel Field, Elizabeth Hacala, Michael Pulizzi, Library Trustees; Matthew Mortenson; Santosh Krishnan; Susan Schwartz, Board of Health; Lisa Litchfield; Kathey Medell; Paul Laudano; Anthony Devellis; Angelina Devellis; Catherine Perry, Planning Department; Don Kennedy; Ben Thomas, Finance Committee; Mike Rosenberg and Jenny Stewart, *The Bedford Citizen*; Robin Steele, Recreation Commission; Stephen Andress

Chair Bopha Malone called the meeting to order at 6:40 pm.

23-109 Public Comment

Dan Bostwick, 23 Hartford St. intended to present on the Specialized Energy Code but due to postponement, plans to clarify differences between the Updated Stretch and Specialized Energy Codes. The former enforces heightened energy efficiency standards in Bedford, while the latter, requiring Town Meeting approval, enhances requirements for promoting all-electric new construction. The Specialized Code solely applies to new buildings, doesn't dictate heating/cooling methods, and encourages all-electric construction through pre-wiring. Energy efficiency rules largely align with the stretch code, with exceptions for certain building types. Dan expects to elaborate on the Specialized Code's details during the August 14th discussion with the board.

Karen Willson, 6 Bandera Dr. recognized concerns about adopting the Specialized Energy Code due to misinformation, leading Mothers Out Front to collaborate on a document addressing these concerns, edited by Joanne Bissetta of the Green Communities Division, which was shared by the Interim Town Manager. Ms. Bissetta, supporting the Code due to Bedford's Green Community status, is available remotely for queries. Karen addresses concerns about hastening the Code's adoption, highlighting that the opportunity arose at the prior spring's Town Meeting, hinting at a 6-month delay. Urgency stems from the climate crisis and a 50% carbon emission reduction target by 2030. Delays could hinder this goal, necessitating swift action. Karen underlines the urgency through a recent Boston Globe headline on extreme weather events, underscoring the need for timely adoption of the Specialized Code.

Corinne Doud, Redcoat Road Presents another question about the Specialized Energy Code: Should we wait to adopt the code until after filling the new Town Manager position? The answer provided is that the Code Enforcement Department, comprised of capable professionals, will handle the implementation of the Specialized Code. The Town Manager's Office is not responsible for enforcing specific building codes in detail. Given this, waiting for the new Town Manager is unnecessary.

The Code Enforcement Department has already familiarized itself with the new energy codes due to the significant updates made to the stretch code this year. The Specialized Code applies to a small number of new construction projects in Bedford annually. However, without adherence to the Specialized Code, such new buildings using fossil fuels would have a lasting large carbon footprint or require costly retrofits.

The anticipated impact on the Town Manager's workload is minimal, while the Code Enforcement Department's additional tasks will be modest. The primary benefit lies in consumer protection. A news headline from July 13, 2023, in AP News is mentioned, underlining the intensifying climate chaos, as seen by devastating events like record monsoon rains in India. This reinforces the urgency to adopt the Specialized Code promptly.

Jacinda Barbehenn, 10 Irene Rd and a member of the Planning Board, addresses the Select Board. She notes that during the previous Planning Board meeting, a vote was taken to recommend the Specialized Energy Code to the Select Board for presentation at the Town Meeting (F'IM). At that time, she abstained due to incomplete understanding, but after conducting thorough research, she now fully supports the Code as an important initial step for the town.

Jacinda also raises the matter of Old Billerica Road. She urges the Select Board to carefully consider the options regarding the land purchase. She emphasizes the difference between spending two million dollars to buy the land outright for first right of refusal versus the benefits of adding two additional affordable housing units. Highlighting the need for more housing in the town and region, she suggests collaborating with the developer to revert to the original plan of 16 units, including two affordable units. She indicates that the Planning Board spent over 10 months on this matter and believes that this approach would better serve the community.

Sue Swanson, 45 Shawsheen Road expresses gratitude for the opportunity to speak. She presents another question concerning the Specialized Energy Code: Has there been research comparing construction costs in communities that have already adopted the Code, and does it lead to increased construction costs? The response provided is that the Specialized Code only recently took effect on July 1, even for early adopters. However, evidence suggests that all-electric construction is actually more cost-effective. Net-Zero-ready construction, akin to the Code's encouragement, incurs at most a 2-4% additional cost. Additionally, Mass Save offers rebates and the Inflation Reduction Act provides federal tax incentives, which offset any increased costs and are balanced by reduced utility bills. Sue references a news headline from July 14, indicating the tragic consequences of climate chaos, underscoring the urgency to adopt the Specialized Code promptly.

Renu Bostwick of 23 Hartford St. raises another query regarding the Specialized Energy Code: Will Bedford's economic competitiveness, given its biotech growth, be impacted, and will existing biotech facilities still be permitted to use natural gas? The reply states that the Specialized Code pertains solely to new construction, exempting retrofits; it permits fossil fuel use in new commercial buildings like labs, provided solar panels and pre-wiring for electrification are installed. The Code doesn't impose additional energy efficiency requirements beyond the updated Stretch Code. Notably, biotech-oriented communities including Boston, Cambridge, Somerville, Newton, and Lexington have embraced the Specialized Code. The question of allowing fossil fueled backup generators is affirmed. Mentioning a July 20, 2023 Forbes headline highlighting fatalities due to extreme temperatures in national parks, Renu underscores the urgency to adopt the Specialized Code due to impending climate challenges.

Jane Mosier, 1303 Albion Rd raises more questions about the Specialized Energy Code: Will the increase in all-electric buildings strain the electricity supply? The answer clarifies that since the Code applies only to new construction, the limited number of all-electric buildings added annually in Bedford won't strain the electricity supply. For buildings opting for fossil fuels, solar panels must be installed, enhancing renewable energy during peak demand and bolstering the grid's resilience. Another question is whether Bedford residents are ready for Net Zero building technologies. The response affirms residents' readiness, as evidenced by 158 signatories on a petition to include the Specialized Code in the November Special Town Meeting warrant. Residents are motivated by firsthand experiences of extreme climate events and seek lower utility bills, improved safety, and enhanced indoor air quality. The adoption of Net Zero technology is in line with international practices and gaining traction in the US. A July 9, 2023 New York Times headline on fatal flash flooding underscores the pressing need to adopt the Specialized Code swiftly due to escalating climate disruptions.

Ms. Malone and Mr. Mortenson excused themselves from the meeting so residents could speak on behalf of Carlisle Road.

Tom Barnett, 96 Carlisle Road spoke in opposition to the proposed development and the revised plan, citing concerns about limitations on senior deed restrictions, the size of the development, and traffic.

Jacinda Barbehenn, 10 Irene Rd spoke as a member of the Bedford Housing Partnership, to clarify that board's discussions around the revised project. She noted an interest from the BHP to include more rental stock for families, and to restore rental options for the west parcel of the proposed development.

Christina Wilgren, Bedford Village spoke in favor of the proposed redesign of the development.

23-110 Public Hearing

JM Liquors/Alterations of Premises/Changes of Location/Change of DBA

Mr. Mortenson moved to open the Public Hearing. Mr. Hanegan seconded. The motion passed 5-0-0.

The attorney for the business applicant answered questions from the board regarding the size and scope of the proposed changes. There were no public comments.

Mr. Mortenson moved to close the Public Hearing. Mr. Hanegan seconded. The motion passed 5-0-0.

Mr. Hanegan moved that the Select Board approve the Change of DBA/Change of Location/Alteration of Premises for Last DBA: Olde Bedford Package Store. Requested New DBA: Bedford One Stop Liquors. Change of location 329 Great Road, Proposed location: 327 Great Road, Store #6. Alteration of Premises Expansion of leased premises into adjoining space in the same shopping center for a total of 13,600 sq. ft. Ms. Mitchell seconded.

The motion passed 5-0-0.

JM Liquors-327 Great Road_Redacted-Application, JM Liquors-BOH Comment, JM Liquors-Code Comment, JM Liquors-FD Comment

23-111 Specialized Energy Code—Potential Warrant Article

Ms. Fleischman noted that the Energy & Sustainability Committee’s planned presentation on the Specialized Energy Code will be postponed to the Select Board’s August 14 meeting, as ESC did not have a quorum at its most recent meeting to review the presentation.

Currently, Bedford adheres to the provisions of the Massachusetts stretch energy code. According to a memorandum presented by Chris Laskey, the town’s code enforcement officer, the specialized code outlines the following key requirements:

1. Any new residence with an area of at least 4,000 square feet must be a net zero building, meaning it must produce as much renewable energy as it consumes.
2. Other new residences can use fossil fuels but must be wired for eventual electrification, and they must also incorporate on-site solar power generation.
3. New commercial buildings using fossil fuels must also install wiring for future electrification.

The Select Board members generally expressed support for placing the matter on the fall Town Meeting warrant. Mr. Mortenson noted that he would prefer to wait until Annual Town Meeting, when other towns who have already adopted the Specialized Code will have experiences and feedback Bedford could learn from.

Ms. Malone noted that Joanne Bissetta of the MA Department of Energy Resources was previously in attendance at this meeting, and suggested the Select Board invite her back for the August 14 meeting to offer her thoughts.

Mr. Hanegan moved that the Select Board commit to placing the Specialized Energy Code on the November Town Meeting Warrant. Ms. Mitchell seconded. The motion passed 4-1-0.

Materials: 2023.06.27 SpEC-SB concerns Q and A, Specialized Code Globe Article, PB recommendation to Select Board 7-11-23.pdf, Laskey Comments.pdf

23-112 251A-F Old Billerica Road

Attorney Pam Brown, representing the developer for 251A Old Billerica Road, explained that the original plan included two affordable units, but due to financial constraints and concerns from abutters, the developer wanted to modify the plan and reduce the total number of units, which would eliminate the requirement to include affordable units. The Select Board reminded Attorney Brown that the Memorandum of Understanding from 2021, as part of the Town’s waiver of its right of first refusal to acquire the property, included two affordable units as a requirement. .

The Select Board asked Attorney Brown to come back with proposals and suggestions from the developer to meet the intent of the MOU, including the option of cash in lieu for affordable housing or reducing the affordable units to one. They emphasized that the agreed-upon condition of two affordable units needed to be considered.

23-113 Consent Agenda

1. Regular Session Minutes—July 10, 2023
2. One-Day Special License—Decanted Wine Truck - November 5, 2023
3. Chapter 268A, Section 20b Exemptions—Tamerat Broglio, Henry Darnall, Ajejandro Mango, Aidan Tatar

Ms. Mitchell moved to approve the consent agenda. Mr. Hanegen seconded. The motion passed 5-0-0.

*Materials: Regular Session Minutes – July 10, 2023; One Day Alcohol Licenses-Decanted November 5, 2023
Chapter 268A, Section 20b Exemptions-Tamerat Broglio, Henry Darnall, Ajejandro Mango, Aidan Tatar*

23-114 Town Manager's Report

1. License Agreement for Sign at Oak Park Drive at Middlesex Turnpike

Economic Developer Jeffrey King explained that Redgate Holdings, LLC/ PIX RO Oak Park Property Company has proposed to install and maintain a gateway sign on Town of Bedford property. The existing sign has deteriorated, is outdated, and does not indicate that an active business area is located there. The sign will be located on the median island at the base of Oak Park Drive. Staff is requesting approval of the sign and license agreement. The Department of Public Works has reviewed and provided input on the location of the sign. The Code Enforcement Department has reviewed the sign and provided feedback regarding compliance with the sign bylaw. As road commissioners, the Select Board have permit granting authority for the sign, as it is located on Town of Bedford property on Oak Park Drive. The sign is not projected to be illuminated and therefore will not require review by the Zoning Board of Appeals.

Ms. Mitchell moved that the Select Board approve the proposed sign as described by the Oak Park Drive Sign memorandum and exhibits, and approve the license agreement with Redgate Holdings. Mr. Hanegan seconded. The motion passed 5-0-0.

2. Library HVAC update

Ron Scaltreto and Amy Fidalgo updated the Select Board on the library HVAC project.

In 2020, Bond Authorization Article 25 for HVAC Replacement at Bedford Free Public Library was indefinitely postponed during the Annual Town Meeting. However, in 2021, Article 21 was approved, providing funding for the HVAC Replacement project in fiscal year 2022. Northeast Engineering was awarded the contract in February 2022 for design and construction administration, costing \$200,500.

Bid specifications aligned with the Energy Net Zero policy, and in February 2023, the Town received a sub bid of \$2,310,000 for HVAC work only. The Town instructed the General Contractor to include a \$1.9 million allowance for HVAC work in the General Bid, and in April, they received a single General Bid of \$3,087,700, including the allowance. The Facilities Department recommends adjusting the scope and phasing of the project to attract competitive bids and avoid delays, while maintaining the existing design with Energy Net Zero goals and keeping the library open throughout.

Discussion:

The discussion revolved around the ongoing library project, particularly the HVAC system and building renovations. Emily Mitchell clarified the correct timeframe as May 2021, not March. Amy Fidalgo mentioned feedback from recent library trustee meetings, highlighting the need for proactive updates to address assumptions that nothing was progressing behind the scenes. The importance of involving stakeholders and lessons learned from the bidding process was stressed.

Concerns about the lack of HVAC updates were mentioned, indicating the need for improved communication. Ron Scaltrato acknowledged the lessons learned and the necessity of keeping stakeholders informed about project developments.

Margot Fleichman referred to a memo that mentioned potential adjustments to the project scope and phasing while the library remained open. Ron Scarltrato discussed the possibility of maintaining the energy net-zero plan and adjusting it through phases to make it more attractive to bidders. A discussion about a potential redesign and its impact on the project followed, with considerations for the current design team's availability.

Emily Mitchell provided insights from trustee meetings, emphasizing the urgency of the situation and the desire to take action to protect the building, staff, services, and move towards net-zero goals. A suggestion to replace old boilers with more energy-efficient ones was discussed, aligning with budget constraints and urgent needs.

The discussion turned to the challenge of integrating two separate buildings, the importance of a unified system, and the need for energy efficiency. The idea of a smaller scope to keep the library open during winter was proposed.

Margot Fleichman raised concerns about changing the project and its potential impact on delays. Ron Scarltrato explained the complexities of redesigning systems and the potential impact on the entire building. Amy Fidalgo highlighted the limitations of redesigning HVAC systems.

The challenges of making two buildings communicate and the need to present options and funding to the trustees were discussed. Concerns from citizens about potential library closures during construction were addressed, with an explanation of the phased approach to keep parts of the library open. The meeting concluded with an understanding that the design team's input would guide future decisions. The need for communication and updates was emphasized, and the challenges of the project were acknowledged.

Materials: Oak Park Drive Sign Memorandum, Oak Park Sign, Oak Park Drive Existing sign .jpg Library HVAC Update Memo.pdf, 2024 - Select Board Meeting Schedule.docx, 2023 - Select Board Meeting Schedule 7.2023 Update.pdf

23-115 Committee Reappointments

1. John Cooper—Patriotic Holiday Committee

Ms. Fleischman moved that the Select Board reappoint John Cooper to the Patriotic Holiday Committee for a term ending June 30, 2026, and authorize the Town Manager to sign the letter on behalf of the Select Board. Mr. Hanegan seconded. The motion passed 5-0-0.

Materials: Committee Appointment and Reappointments Memo for 7.24.23 Meeting.pdf, Cooper 2023 form.pdf

23-116 Liaison Reports

Ms. Fleischman reported that the Transportation Advisory Committee updated its recommendations for infrastructure improvements at crosswalks, sidewalks, and intersections. She noted that the timeframes for improvements are long, and TAC will need assistance from staff and the Select Board on prioritization.

Ms. Mitchell said the Cultural Council is preparing for the next grant cycle, which runs from September 1 through October 15. The Historic District Commission will get an update on the new fire station project in August. Ms. Mitchell presented an overview to the Hanscom Field Advisory Commission of the Town's infrastructure concerns regarding the proposed North Airfield project. She has heard nothing further from the other HATS communities about the proposed joint letter the Governor about that project. She drafted a letter to the chairs of the Joint Committee on Advanced Information Technology, the Internet and Cybersecurity in support of pending legislation H.74 and S.34—*An Act to Modernize Funding for Community Media Programming*, as suggested by the Community Media Committee; the Select Board affirmed sending the letter.

Mr. Hanegan attended the Housing Partnership meeting, where they discussed the Carlisle Road project. The Municipal Affordable Housing Trust has confirmed the Habitat for Humanity will purchase and rehabilitate 23 Winterberry Way, with opportunities for residents and other interested parties to volunteer for construction.

Mr. Mortenson attended the Planning Board meeting, where members discussed a new proposed overlay district in the Town center. He was unable to attend the Historic Preservation Committee meeting, which was held the same time as Planning. He noted that the Select Board will soon schedule interviews for Town Manager candidates.

Bopha Malone shared the Police Station Renovation. There are two ash tree that were not part of the Police Station Project, but they are dying. They are going back to the HDC to take it down, and the meeting will be on August 2 at 7pm. They continue to work on the reviewed Town Tree Policy and will start to present to other committees to get support and feedback before presenting to the Select Board. Finance Committee Appointing Authority met and interviewed Mr. Steven Steele and Ms. Erica Liu. They will meet on July 25 to deliberate. The Capital Expenditure Appointing Committee met and interviewed Ms. Audrey Gould and appointed her.

Town Manager Search Committee will be interview candidates later in the week. I want to give everyone a heads up that we will need to have a special meeting sometime later this month to interview the candidates.

Materials: Bedford Select Board letter in support of H.74 and S.34, Hanscom Letter to Governor DRAFT v2 -- BEDFORD SB COMMENTS, Liaison Assignments 2023-2024- 7.13.23 Update

23-117-Carlisle Road-Proposed Amendments

Ms. Malone & Mr. Mortenson recused themselves and left the meeting.

The developer, Brian DeVellis, presented a revised concept plan for the Carlisle Road LIP project based on feedback and conditions set by the Select Board. The revised plan includes more ownership units, townhomes, and duplexes, and reduces the number of apartments. Mr. DeVellis presented two versions, the “As Endorsed” and the “As Modified” plans, with the latter responding to the Select Board’s conditions. Recognizing that the As Modified plan has some significant differences from the As Endorsed Plan, Mr. DeVellis sought feedback from the Housing Partnership and now the Select Board on the changes before moving forward to submit the LIP application with the Department of Housing and Community Development (DHCD).

Housing Type	As Endorsed	For Sale	For Rent	Market	Affordable	As Modified	For Sale	For Rent	Market	Affordable
Single Family	9	5	4	7	2	10	10	0	7	3
Duplex	16	8	8	12	4	16	16	0	12	4
Triplex	27	13	14	20	7	36	36	0	27	9
Townhome	0	-	-	-	-	16 *	16	0	12	4
Apartment	51	0	51	38	16	42	42	0	31	11
55+ Apartment	36	0	36	27	9	0	-	-	-	-
Total Units	139	26	113	104	35	120	120 *	0	89	31
East Parcel Senior	0	0	0	0	0	51	0	51	38	13

Mr. DeVellis explained that separating the senior housing could affect his application under the Local Initiative Program (LIP), since revenue from senior apartments was essential for the project.

Ms. Mitchell highlighted that one of the selling points of the project was creating an intergenerational community, and separating the senior housing might change the project’s dynamics. An updated configuration of the proposed development site was presented, suggesting townhouses for the smaller parcel.

Mr. Hanegan believed that separating the senior housing would integrate seniors more into the general area.

Ms. Fleischman, Mr. Hanegan, and Ms. Mitchell agreed that the revised plans eliminating rentals from the larger site were an overcorrection, and some rental opportunities among the affordable units should remain.

Ms. Fleischman questioned why the threshold age for senior housing was set at 55, when 62 might be more suitable.

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Mr. DeVellis expressed the desire to prioritize Bedford residents for affordable units and make the project Bedford-centric, but this approach was met with disagreement from some members of the Housing Partnership.

Mr. DeVellis stated he would submit the application As Endorsed to show progress to the state and then incorporate changes later.

Materials: Bedford SB Hearing PowerPoint July 24 2023, FW_ Online Form Submittal_ Select Board Contact Form- Carlisle Road; As modified DeVellis BHP vote July_2023

Adjournment

Ms. Mitchell moved to adjourn. Ms. Fleischman seconded. The motion passed 3-0-0.

The meeting adjourned at 8:53 p.m.

Respectfully submitted by Kerri Rufo

Approved at the August 24, 2023 Select Board meeting